



02-EDP-353

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[Signature]
Attorney for Applicants

September 23, 2003
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
MICHAEL P. PUSKAR et al. : CIRCUIT BREAKER TRIP UNIT EMPLOYING
: A ROTARY PLUNGER
Application Serial No. 10/633,007 : Attorney Docket No.: 02-EDP-353
Filed: August 1, 2003 :

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

September 23, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

- I -

More than one year before the filing date of the above-captioned Application, one sample of a circuit breaker frame, including a trip unit, was provided to a senior sales engineer of the assignee of the present invention. The sample included a sticker, which stated "ENGINEERING SAMPLE ONLY" and "NOT FOR USE!". The sample was a circuit breaker frame including a trip unit as disclosed and claimed in the present Application.

More than one year before the filing date of the above-captioned Application, the sample was shown under a proprietary information agreement by the senior sales engineer to one or two engineers of a pre-existing customer of the assignee, in order to show the external appearance of the sample and to show the fit of the trip unit within the corresponding circuit breaker frame. Under the proprietary information agreement, the pre-existing customer, including, but not limited to, its one or two engineers, agreed to treat the sample as

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being confidential until at least a date that was less than one year before the filing date of the above-captioned Application.

The sample, which was provided to the senior sales engineer, was shown one time, on one day to the one or two engineers within the confines of the office of one of those one or two engineers.

The sample was always under the custody and control of the senior sales engineer at any and all times more than one year before the filing date of the present Application. The sample was not disassembled by the senior sales engineer or the one or two engineers, the trip unit was not removed from the circuit breaker frame by the senior sales engineer or the one or two engineers, and the sample was not energized by the senior sales engineer or the one or two engineers at any time more than one year before the filing date of said Application.

Accordingly, the sample, and the trip unit and circuit breaker as disclosed and claimed in the present Application were not in public use under 35 U.S.C. § 102(b).

More than one year before the filing date of the above-captioned Application, the one or two engineers of the pre-existing customer of the assignee suggested to the senior sales engineer of the assignee that the price of the circuit breaker frame, including trip unit, which corresponded to the sample, should be competitive. At no time more than one year before the filing date of the above-captioned Application, was price of said trip unit and/or circuit breaker frame, quantity of said trip unit and/or circuit breaker frame, or an offer to make or deliver said trip unit and/or circuit breaker frame, discussed by or otherwise communicated by any of the assignee, the pre-existing customer of the assignee, the senior sales engineer and/or the one or two engineers in the United States.

Therefore, the sample, and the trip unit and circuit breaker as disclosed and claimed in the present Application were not offered for sale, were not sold and were not on sale under 35 U.S.C. § 102(b).

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It is submitted that the foregoing information in Section I, above, does not impact upon the patentability of the present invention. Nevertheless, out of an abundance of caution, this information is being provided for the completeness of the record and for consideration by the examiner.

- III -

This Statement is filed solely for the purpose of complying with the pertinent rules of the Office and is not intended to be a substitute for an independent evaluation by the

examiner of the art cited or an independent search by the examiner, and no representation of any nature is made or intended by the filing of this Statement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Houser', with a stylized flourish extending from the end.

Kirk D. Houser

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